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Subject: USS Lead - Press

East Chicago press clips**US EPA Region 5 – prepared by the Office of Public Affairs****January 17, 2018****NWI Times****Federal judge hears arguments in East Chicago Superfund case****ABC News****EPA targets East Chicago, other contaminated Superfund sites for development**

http://www.nwitemes.com/news/local/lake/federal-judge-hears-arguments-in-east-chicago-superfund-case/article_62d154c8-91b9-5163-84fb-1c7dd700f357.html

Federal judge hears arguments in East Chicago Superfund case

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- Jan 16, 2018 Updated 9 hrs ago

HAMMOND — U.S. District Chief Judge Philip Simon heard arguments Tuesday to help him decide whether people living in the lead-and-arsenic polluted Superfund site in East Chicago can formally intervene in EPA cleanup decisions.

Attorneys representing residents have accused the EPA of minimizing health concerns and cleaning up a limited number of properties despite knowing for decades about widespread contamination.

Residents say they didn't realize the extent of contamination until summer 2016, when city officials announced families at the West Calumet Housing Complex had to relocate due to the severe contamination and that they would demolish the site.

EPA in 2014 approved a consent decree that secured \$26 million from Atlantic Richfield and DuPont for a cleanup in zones 1 and 3 of the USS Lead Superfund site. Zone 2 — the middle part of the neighborhood — was left out of the consent decree.

Costs have since nearly quadrupled. Residents' attorneys argued EPA has repeatedly modified the consent decree, while at the same time arguing in court the case is closed and statute prohibits intervention.

Simon, the judge who signed off on the 2014 consent decree, said Tuesday that EPA's cleanup does indeed appear to be a "totally different landscape" that what was presented to him back then — with the West Calumet Housing Complex now vacated and East Chicago eyeing demolition.

'Years left of work'

Emily Gilman, of law firm Goldberg Kohn representing residents pro bono, said EPA has made it clear they plan to modify its cleanup plan for Zone 1, the public housing complex.

"There are years left of work to do," Gilman said.

Simon suggested it seemed inevitable EPA would have to return, eventually, to the courts for approval because federal Superfund statute requires the agency to do so in the cases of substantial cleanup amendments.

And that move would open up the possibility for residents to intervene then, he said.

"Let's say you do something they don't like, they would have a right, at that time, to seek intervention?" Simon said, directed at EPA attorney Annette Lang.

Lang replied yes, while maintaining she believes EPA is adequately representing residents' interests in the case.

"...And we'll be right back here again (with another motion to intervene)," Simon said.

EPA: Intervention would cause unnecessary delay

Lang also argued Tuesday the motion was filed too late and that granting them intervenor status would “unnecessary delay” ongoing time-critical cleanups at the site. According to EPA, nearly 290 properties have been remediated since summer 2016. Another 718 require remediation.

Simon appeared perplexed at that argument, saying, “Don’t you feel silly, having found out about this problem (in the 1980s), and your concern is that citizens are delaying this? That’s amazing,” Simon said.

“You all have really known about this ... yet your litigation position is that citizen intervention is slowing the process down. That’s a little hard to swallow,” he added.

Last May, U.S. District Magistrate Judge Paul Cherry denied residents’ request to intervene in the case, basing his decision mainly on the fact that the filing was untimely and that attorneys should have tried to intervene years ago. Residents successfully appealed Cherry's decision, leading to Tuesday’s oral arguments.

Lang said Tuesday EPA has “adequately represented” residents’ interests in cleanup negotiations with polluters, having held several public hearings and community meetings while also hiring two outreach coordinators and implementing indoor dust and paint sampling at select homes.

Weeks before Tuesday’s oral arguments, EPA issued two unilateral administrative orders to companies to clean up soil in Zone 2 and indoor dust. However, residents' attorney argue EPA has omitted indoor dust cleanups in hundreds of homes.

Simon said Tuesday he would issue a decision “quickly” but did not provide a timeline.

<http://abcnews.go.com/Politics/epa-targets-east-chicago-contaminated-superfund-sites-development/story?id=52380486>

EPA targets East Chicago, other contaminated Superfund sites for development

- By STEPHANIE EBBS

Jan 17, 2018, 8:07 AM ET

Thirty-one of the country’s most contaminated sites are likely to be available for building new housing, business or other development soon after they are cleaned up, the U.S. [Environmental Protection Agency](#) said today, a step that’s part of Administrator [Scott Pruitt](#)'s push to accelerate the cleanup and make the land available for community use.

Some of the so-called Superfund sites on the list have been considered too contaminated for use for decades and while today’s announcement signals no immediate changes, it opens the door for companies that want to use the land in the future to start that process.

No development could happen until the areas are considered safe and removed from the EPA's list of contaminated sites.

There are nearly 1,200 sites on that list -- known as [the Superfund National Priorities List](#), across the country -- that are managed by the EPA. The agency works with the companies considered responsible for the pollution and local governments to create a plan to clean up the sites and, in some cases, collect settlements used to pay for the cleanup.

Sites included on the list released today are considered good options for redevelopment in the foreseeable future based on location, access to transportation and interest from potential developers, according to the EPA news release.

At least one of the sites has been of particular interest to Pruitt, a former Oklahoma attorney general and state senator. The site of a former lead smelter in East [Chicago](#), Indiana, was the first Superfund site Pruitt visited as administrator before the EPA announced in December it was a site targeted for [“intense, immediate cleanup action”](#) to be overseen by the administrator directly.

Multiple areas in East Chicago were added to the Superfund list in 2009 after testing showed high levels of arsenic and lead in residential areas. Residents had to evacuate a housing complex in the area in 2016 because of the contamination and the complex is now set to be demolished, [according to the Chicago Tribune](#).

The governor of Indiana issued a disaster declaration for the city to increase resources for the area and the mayor of East Chicago said the city would need more than \$56 million to deal with the contamination, the newspaper also reported.

"The City of East Chicago continues to have dialogue with the US EPA, and it believes that the Superfund site is quite viable for redevelopment given the continuing interest by companies to locate in East Chicago," Mayor Anthony Copeland said in a statement. \

"The city looks forward to continued work with the EPA in completing the remediation, which we feel should be completed to residential standards - the highest level of remediation, and promoting the development of the site."

The EPA lists reusing a former elementary school building on the site as one of the possibilities for the site.

Another example on the list is a Superfund site on the coast of Lake Washington and close to the practice facility for the Seattle Seahawks. It was contaminated by coal tar and creosote from manufacturing until 1969 and a cleanup plan is expected to be finalized in 2019.

The owner of the land wants to redevelop it for 10 buildings with retail and residential units, according to an EPA fact sheet.

The full list of sites will be available on the EPA's website.